



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,919	12/04/2003	Marvin M. Johnson	2253-01201	7550
23505	7590	09/08/2006	EXAMINER	
CONLEY ROSE, P.C.			NGUYEN, CAM N	
P. O. BOX 3267			ART UNIT	
HOUSTON, TX 77253-3267			PAPER NUMBER	
			1754	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

DETAILED ACTION

Response to Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-77 & 112-119, in the reply filed on June 27, 2006 is acknowledged.
2. Claims 78-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention(s), there being no allowable generic or linking claim. Election was made without traverse in the reply filed on June 27, 2006.

Claim Rejections - 35 USC § 102(a)

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-4, 7, 10-20, 22-30, 32-33, 35, 37-44, 46, 49, 51-69, 72-77, 112-115, & 117-119 are rejected under 35 U.S.C. 102(a) as being anticipated by Cheung et al., "hereinafter Cheung", (US Pat. 6,465,391 B1).

Cheung discloses a catalyst composition comprising an inorganic support material, a palladium component, a silver component, and a promoter component, wherein said promotor component has the formula XYF_n , wherein X is an alkaline metal, Y is an element

Art Unit: 1754

selected from the group consisting of antimony, phosphorus, boron, aluminum, gallium, indium, thallium, and arsenic, and n is an integer which makes YF_n a monovalent anion (see col. 7, claim 1 & col. 3, ln 1-14). The inorganic support is selected from the group consisting of alumina, titania, zirconia and mixtures thereof (see col. 9, claim 7). The amount of said promoter component in said catalyst composition is from about 0.001 percent to about 10 percent (see col. 8, claim 4). The amount of said palladium component in said catalyst composition is from about 0.001 percent to about 1 percent (see col. 8, claim 5). The amount of said silver component in said catalyst composition is from about 0.001 percent to about 5 percent (see col. 8, claim 6). See also Example 1, Catalyst C in the reference. Table C at col. 7 & col. 8 shows Catalyst C has 95.30 % (run #3) Acetylene conversion with 24.99% (run #3) selectivity to Ethylene.

There is no patentable distinction seen between the claimed catalyst and that disclosed by the reference. Thus, the claims are anticipated by the teaching of Cheung.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-6, 8-9, 21, 31, 34, 36, 45, 47-48, 50, 70-71, & 116 are rejected under 35

U.S.C. 103(a) as being unpatentable over Cheung et al., "hereinafter Cheung", (US Pat.

6,465,391 B1), as applied to claims 1-4, 7, 10-20, 22-30, 32-33, 35, 37-44, 46, 49, 51-69, 72-77,

Art Unit: 1754

112-115, & 117-119 above, and further in view of Brown et al., "hereinafter Brown", (PG-Pub No. US 2001/0001805 A1).

Cheung discloses a catalyst as described above, except for the claimed Group IIB metals (or zinc) and Group VIIB metals (or Mn).

It would have been *prima facie obvious* to one of ordinary skill in the art at the time the invention was made to have incorporated by adding these metal components into the catalyst of Cheung in order to achieve an improved catalyst having improved in the performance and activities because they are known as useful catalyst materials as evidenced by Brown (see Brown at page 9, claims 7 & 19).

Citations

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form attached.

Conclusion

8. Claims 1-119 are originally pending. Claims 1-77 & 112-119 are rejected. Claims 78-111 are withdrawn due to non-elected (distinct) invention(s). No claims are allowed.

Contacts

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is

Art Unit: 1754

571-272-1357. The examiner can normally be reached on M-F, 9:00 AM - 6:30 PM, at alternative work site.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cam N. Nguyen/

Nguyen/cnn

Primary Examiner

September 04, 2006

Art Unit: 1754